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PETITION FOR WITHDRAWAL OF FINALITY  
EXPEDITED PROCEDURE  
GROUP 1723  
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q63803

Hisao HIRAMATSU, et al.

Appln. No.: 09/817,251

Group Art Unit: 1723

Confirmation No.: 8044

Examiner: Tony Glen Soohoo

Filed: March 27, 2001

For: METHOD FOR STIRRING LIQUID

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DEC 19 2002  
TC 1700

PETITION FOR WITHDRAWAL OF FINALITY

ATTN: BOX AF  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is a petition requesting withdrawal of the finality of the Office Action dated November 6, 2002.

The final Office Action includes two new rejections. The new rejections are the rejection of Claim 6 under 35 U.S.C. § 103(a) based upon U.S. Patent No. 2,432,073 to Hargen, and the rejection of Claim 8 under 35 U.S.C. § 102(b) over Hargen. Neither Claim 6 nor Claim 8 was rejected in this manner in the first Office Action dated February 15, 2002. Accordingly, it is improper for these new rejections to be made final in the Office Action dated November 6, 2002.

Applicants undersigned representative telephoned the Examiner and requested that the Examiner reconsider the finality of the Office Action dated November 6, 2002. The Examiner indicated that since Claim 6 is dependent upon Claim 1, which was amended in the Amendment


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filed August 15, 2002, the finality of the Office Action is appropriate. However, Applicants respectfully submit that the new rejection of Claims 6 and 8 is based upon prior art of record and the Amendments made August 15, 2002, further defined preferred aspects of the originally claimed invention. The Examiner is not citing new prior art in response to an amendment by the Applicant in which case the finality of the Office Action dated November 6, 2002, may have been appropriate.

Applicants believe that no petition fee is due in connection with this Petition. However, if a fee is due, the USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Withdrawal of the finality of the Office Action dated November 6, 2002, is requested.

Respectfully submitted,

  
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WASHINGTON OFFICE



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PATENT TRADEMARK OFFICE

Date: December 18, 2002